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21 Attorneys for Defendant
22 BANC OF AMERICA INVESTMENT SERVICES, INC.

23 UNITED STATES DISTRICT COURT
24
25 NORTHERN DISTRICT OF CALIFORNIA

26 WILLIAM J. BETTIS, individually and on
27 behalf of all others similarly situated,

28 Plaintiffs,

vs.

BANC OF AMERICA SECURITIES,
LLC; BANC OF AMERICA
INVESTMENT SERVICES, INC.; and
DOES 2 through 50, inclusive,

Defendants.

CASE NO. C-05-5363-WHA

**STIPULATION TO FILE AMENDED
ANSWER OF BANC OF AMERICA
INVESTMENT SERVICES, INC. TO
PLAINTIFF'S COMPLAINT AND
~~PROPOSED~~ ORDER THEREON**

1 THE PARTIES HEREBY STIPULATE AND REQUEST AN ORDER, through
2 their respective attorneys of record, as follows:

3
4 1. On December 23, 2005, Bank of America Investment Services, Inc. ("BAIS") filed
5 its Answer to Plaintiffs Unverified Complaint in the Superior Court for the County of San
6 Francisco.

7
8 2. On December 27, 2005, BAIS removed the instant matter to the United States
9 District Court for the Northern District of California and attached said Answer as Exhibit B of its
10 Notice of Removal.

11
12 3. On or about January 9, 2006, upon further consideration of the Affirmative
13 Defenses it asserted in its Answer, BAIS decided to withdraw its Sixth, Tenth, Fourteenth, Thirty-
14 Second, and Thirty-Third Affirmative Defenses, and to modify its Nineteenth Affirmative
15 Defense.

16
17 4. In light of this decision, BAIS requests to file an Amended Answer in this matter
18 to make the revisions set forth in Paragraph 3 above. In addition to these revisions, BAIS will
19 also revise its Answer to provide specific denials, rather than the general denial permitted in state
20 court. A copy of the proposed Amended Answer is attached hereto as Exhibit A.

21
22 5. The Amended Answer clarifies certain legal defenses only to conform to the facts
23 of this case.

24
25 6. The Amended Answer does not add any defense that would cause the need for
26 additional discovery and, in any event, the parties have not yet commenced discovery.

7. The parties hereby stipulate and agree to allow BAIS to file the Amended Answer in the form attached hereto as Exhibit A no later than March 17, 2006.

DATED: March _____, 2006

DOSTART CLAPP GORDON & COVENEY, LLP
JAMES F. CLAPP
J. KIRK DONNELLY
MARITA MURPHY LAUINGER

By: _____

JAMES F. CLAPP

Attorneys for Representative Plaintiff
WILLIAM J. BETTIS

DATED: March 8, 2006

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By: _____

/s/

MARIA A. AUDERO

Attorneys for Defendant
BANC OF AMERICA INVESTMENT SERVICES, INC.

~~PROPOSED~~ ORDER

The Court has reviewed the instant Stipulation to File Amended Answer of Banc of America Investment Services, Inc. as a proper disposition of this matter. Therefore,

FOR GOOD CAUSE SHOWN, this Stipulation to File Amended Answer of Banc of America Investment Services, Inc. is hereby granted and it is ordered that BAIS has until March 17, 2006 in which to file its Amended Answer.

March 8, 2006

DATED: _____



The Honorable William H. Alsup
U.S. District Court